

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

Criminal No. 1:05-cr-10074-PBS

CHARLES CARRINGTON

AFFIDAVIT

Under oath, I depose and state that:

1. My name is Mark W. Shea.
2. I am counsel of record for the above-named defendant.
3. On August 3, 2006, this Court found the defendant mentally incompetent after a hearing and ordered him committed to the custody of the Attorney General in accordance with 18 U.S.C. § 4241(d).
4. The defendant was not immediately transported to a federal Psychiatric Referral Center, but remained incarcerated at Plymouth County Correctional Facility ("PCCF").
5. I attempted to have him moved to a Psychiatric Referral Center on several occasions, including contacting the Assistant U.S. Attorney as well as authorities at PCCF.
6. The Court sent a second copy of the August 3rd order to the U.S. Marshal Service on or about September 18, 2006.
7. The defendant still was not transferred from PCCF.
8. On October 10, 2006, I filed a motion to compel his transfer, which was allowed on the following day.
9. On October 26, 2006, the defendant was received at the U.S. Medical Center for Federal Prisoners ("MCFP") in Springfield, Missouri.
10. On October 30, 2006, the Mental Health Unit Manager from MCFP wrote the Court and stated that the final staffing date for Mr. Carrington was scheduled for February 25, 2007.
11. On November 16, 2006, I spoke by telephone with Dr. Lea Ann Preston at MCFP, who is treating Mr. Carrington, and reminded her that the evaluation had to be completed within four months of the August 3 court order.
12. On February 14, 2007, a status conference was held. As of that date, no determination on competency had been made by MCFP.

13. As no competency evaluation was made within the four-month period required by 18 U.S.C. § 4241(d), the matter must be dismissed.

Signed under the penalties of perjury, this 20th day of February 2007.

/s/ MARK W. SHEA

Mark W. Shea

Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on February 21, 2007.

/s/ Mark W. Shea

MARK W. SHEA